

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Docket No: Q79957

Haruki YOSHIDA, et al.

Appln. No.: 10/779,880

Group Art Unit: 2839

Confirmation No.: 9500

Examiner: Thanh Tam T. LE

Filed: February 18, 2004

For: FEMALE TERMINAL

SUBMISSION OF APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an Appeal Brief. A check for the statutory fee of \$500.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

Allison M. Tulino
Registration No. 48,294

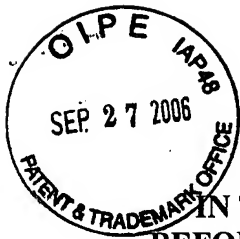
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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 27, 2006



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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

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APPEAL BRIEF UNDER 37 C.F.R. § 41.37
U.S. Application No. 10/779,880

I. REAL PARTY IN INTEREST

The real party in interest is YAZAKI CORPORATION by virtue of an assignment executed by Haruki Yoshida and Yositaka Ito (hereinafter “Appellants”) on February 16, 2004 and recorded in the U.S. Patent and Trademark Office on February 18, 2004 at reel 015001 and frame 0365.



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II. RELATED APPEALS AND INTERFERENCES

Upon information and belief, there are no other prior or pending appeals, interferences or judicial proceedings known to Appellants' Representative or the Assignee that may be related to, be directly affected by, or have a bearing on the Board's decision in the Appeal.

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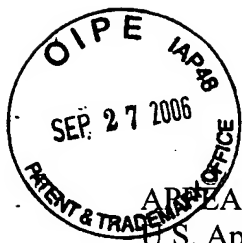
III. STATUS OF CLAIMS

Claims 1, 4, 5, 7-9, 12 and 13 are pending and are the basis of this Appeal.

Claims 1, 4, 5, 7-9, 12 and 13 stand rejected. See Claims Appendix for listing of claims.

IV. STATUS OF AMENDMENTS

Appellants have not amended the claims subsequent to the March 31, 2006 Final Office Action. Accordingly, all amendments, which have been made during prosecution of the present application, have been entered, and are reflected in the attached Claims Appendix.



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V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention is directed to a female terminal. The features of independent claim 1 are described herein in reference to non-limiting embodiments of Appellants' specification.

Claim 1- Claim 1 recites a female terminal having a terminal-inserting portion 52 (Figs. 1 and 2). The terminal-inserting portion 52 has a bottom wall 54 and a resilient contact piece portion 56 extending rearwardly from a front end edge of the bottom wall 54 to a free end portion thereof 56a (Figs. 1 and 2). A convex portion 57 projects toward the bottom wall 54 and is formed at the free end portion 56a of the resilient contact piece portion 56 (Figures 1 and 2). When the resilient contact piece portion 56 is resiliently deformed upon insertion of a male terminal 20, the convex portion 57 is brought into contact with the bottom wall 54 (Figure 2; non-limiting embodiment pg. 8, line 23 to pg. 9, line 7).

Further, the resilient contact piece portion 56 includes a first curved portion 56d by which the male terminal 20 is clamped (Figure 2; non-limiting embodiment pg. 7, lines 16-20). The resilient contact piece portion 56 also includes a beginning portion extending from the front end edge to the first curved portion 56d and an intermediate portion 56b extending from the first curved portion 56d to the convex portion 57 (Figures 1 and 2; non-limiting embodiment pg. 7, lines 16-20). Finally, the beginning portion and the intermediate portion 56b are provided substantially in parallel to the bottom wall 54 at a predetermined clearance, so that the resilient contact piece portion 56 extends substantially parallel to the bottom wall 54 except for the first curved portion 56d and the convex portion 57 (Figures 1 and 2; non-limiting embodiment pg. 7, line 16 to pg. 8, line 11).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 1, 4, 5, 7-9, 12 and 13 stand rejected under 35 U.S.C. § 103(a), as allegedly being unpatentable over U.S. Patent No. 6,851,976 to Ichida et al. ("Ichida") in view of Appellants' submitted prior art, Figure 3 of the present Application ("APA").

VII. ARGUMENT

I. Rejections under 35 U.S.C. § 103(a) in view of Ichida and the APA

The Examiner has rejected claims 1, 4, 5, 7-9, 12 and 13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ichida in view of the APA.

A. Claim 1

Appellants submit that Ichida fails to disclose a resilient contact piece portion that has beginning and intermediate portions that are substantially in parallel to the bottom wall, as recited in claim 1.

The Examiner maintains that element 39 of Ichida discloses the claimed first curved portion (pg. 2 of March 31, 2006 Final Office Action). Based on such interpretation, the portions before and after the alleged first curved portion 39 would disclose the claimed beginning and intermediate portions. In Figures 8 and 9 of Ichida, however, the portions before and after the alleged first curved portion 39 are not substantially in parallel to the alleged bottom wall 33 at a predetermined clearance, as recited in claim 1. Rather, both portions on either side of the alleged first curved portion 39 incline towards portion 39. Therefore, the clearance between the resilient contact piece 38 and the alleged bottom wall 33, on either side of the portion 39, will vary along their lengths. As specifically set forth in Ichida, “the resilient contact piece 38 is supported only at one end and has a substantially triangular shape” (emphasis added) (col. 7, lines 7-9). Due to such *triangular shape*, the portions on either side of the alleged first curved portion 39 (i.e., the

sides of the triangle) are not substantially parallel to the alleged bottom wall 33, as recited in claim 1. In other words, Ichida specifically discloses that the piece 38 is substantially triangular shaped, thus implying that the portions on either side of portion 39 (i.e., the bulge) are inclined. Appellants submit that one skilled in the art would not consider the “substantially triangular shape” of Ichida as equal or comparable to the “substantially parallel” recitation of claim 1 (i.e., triangular \neq parallel).

In the July 12, 2006 Advisory Action, the Examiner maintains that the term “substantially parallel” is not a specific term. However, as set forth in MPEP §2173.05(b), the term “substantially” can be a definite term. At least in view of the non-limiting embodiments of Figures 1 and 2 of the Appellants specification, Appellants submit that one skilled in the art would not consider the term “substantially parallel” as indefinite. Further, Appellants submit that one skilled in the art would clearly understand that the “substantially triangular shape” of Ichida does not equal a “substantially parallel” feature.

In addition, Appellants submit that the APA fails to cure the above deficient teaching of Ichida. Rather, the APA discloses a triangular shape similar to that of Ichida (i.e., there are no portions substantially in parallel to a bottom wall).

At least based on the foregoing, Appellants submit that claim 1 is patentable over the cited references.

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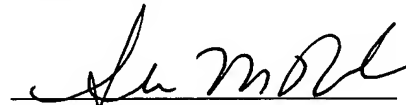
B. Claims 4, 5, 7-9, 12 and 13

Since claims 4, 5, 7-9, 12 and 13 are dependent upon claim 1, Appellants submit that such claims are patentable at least by virtue of their dependency.

Unless a check is submitted herewith for the fee required under 37 C.F.R. §41.37(a) and 1.17(c), please charge said fee to Deposit Account No. 19-4880.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CLAIMS APPENDIX

CLAIMS 1, 4, 5, 7-9, 12 and 13 ON APPEAL:

1. (rejected): A female terminal comprising:

a terminal-inserting portion having a bottom wall and a resilient contact piece portion extending rearwardly from a front end edge of the bottom wall to a free end portion thereof;

wherein a convex portion projecting toward said bottom wall is formed at the free end portion of said resilient contact piece portion,

when said resilient contact piece portion is resiliently deformed upon insertion of a male terminal, said convex portion is brought into contact with said bottom wall;

wherein said resilient contact piece portion includes a first curved portion by which said male terminal is clamped; and

wherein said resilient contact piece portion includes a beginning portion extending from said front end edge to said first curved portion and an intermediate portion extending from said first curved portion to said convex portion, that are provided substantially in parallel to said bottom wall at a predetermined clearance, so that said resilient contact piece portion extends substantially parallel to said bottom wall except for said first curved portion and said convex portion.

2. and 3. (canceled).

4. (rejected): A female terminal according to claim 1, wherein a second curved portion by which said male terminal is claimed is formed on a top wall of said terminal-inserting portion.

5. (rejected): A female terminal according to claim 4, wherein said first curved portion and said second curved portion are opposed to each other.

6. (canceled)

7. (rejected): A female terminal according to claim 1, wherein a third curved portion is formed on said bottom wall at a position corresponding to said first curved portion.

8. (rejected): A female terminal according to claim 1, wherein said convex portion has a semi-arc shape in cross-section.

9. (rejected): The female terminal according to claim 1, wherein said convex portion is spaced from said bottom wall when said male terminal has not been inserted.

10. and 11. (canceled).

12. (rejected): The female terminal according to claim 1, wherein said first curved portion and said convex portion are spaced apart from each other by a predetermined distance (L).

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13. (rejected): The female terminal according to claim 1, wherein two end support points of said resilient contact piece portion are formed so that a distance (L) between said two end support points is kept constant upon insertion of said male terminal.

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EVIDENCE APPENDIX:

NONE

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RELATED PROCEEDINGS APPENDIX

NONE